

## Absent—Excused

|        |         |
|--------|---------|
| Cotten | Lemens  |
| Fain   | Shivers |
| Formby | Spears  |
| Kelley |         |

## Local and Uncontested Bills

Senator Moffett moved that the Senate hold a session to consider local and uncontested bills on Friday, May 7, 1943, at 2:30 o'clock p. m.

The motion prevailed.

Senator Lovelady moved that all bills which Senators wish to be placed on the local and uncontested bill calendar be submitted to the committee charged with compiling the calendar before 1:00 o'clock p. m. tomorrow.

The motion prevailed.

## Adjournment

On motion of Senator Weinert, the Senate, at 5:00 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## SIXTY-FOURTH DAY

(Thursday, May 6, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment and was called to order by the President.

The roll was called, and the following 18 Senators were present:

|          |          |
|----------|----------|
| Aikin    | Lovelady |
| Brownlee | Mauritz  |
| Bullock  | Metcalf  |
| Chadick  | Moffett  |
| Cotten   | Moore    |
| Graves   | Morris   |
| Jones    | Stone    |
| Lane     | Weinert  |
| Lanning  | Winfield |

Senator Weinert moved a call of the Senate for the purpose of securing a quorum, and the call was duly seconded and ordered.

The Sergeant-at-Arms was instructed to enforce the attendance of all unexcused absentees and to permit no Member of Senate to leave the Senate Chamber.

Senators Hazlewood, Ramsey, York, Martin, Shivers, and Vick subsequently appeared in the Senate Chamber and were announced present.

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Senate Resolution 95

Senator Metcalfe offered the following resolution:

Whereas, The Republic of Mexico is celebrating this week the eighty-first anniversary of the Battle of Puebla which was the occasion when the Mexican Army under the command of General Zaragoza administered the most decisive defeat ever given any army of a foreign state in Mexico;

Whereas, A group of aviators of the Army of Mexico graciously made a special trip by air to this country in order to bring to the ceremonies here a flag of the Republic for this occasion; and

Whereas, This action on the part of members of the Army of our neighbor Republic is emblematical of the spirit of friendship and unselfish cooperation existing between our two countries which is materially helping in our mutual effort to bring to a successful conclusion the war in which we are brothers-at-arms; and

Whereas, The able and admirable flyers who performed this fine mission are now in this city and present in the Capitol; now, therefore, be it

Resolved by the Senate of Texas, That we invite Lieutenant-Colonel Alberto Najera, and Captain R. Gaxiola, members of the Army party and Consul General Luis L. Duplan and Vice-Consul Felix Gonzales to address the Senate at this time, and that they be given the privileges of the floor during their visit to this city.

METCALFE,  
WINFIELD.

The resolution was read; and on motion of Senator Metcalfe, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Accordingly, the President appointed Senators Metcalfe, Winfield, and Graves to escort Lieutenant-Colonel Najera, Captain Gaxiola, Consul-General Duplan, and Vice-Consul Gon-

zales, and their party to the President's desk.

The President presented Senator Metcalfe who introduced Lieutenant-Colonel Najera to the Senate.

Lieutenant-Colonel Najera then addressed the Senate briefly.

Senator Metcalfe also presented to the Senate Consul-General Duplan, Captain Gaxiola, and Vice-Consul Gonzales.

The President expressed to the distinguished guests the appreciation of the Senate and the people of Texas for their visit to the United States and to the Senate of Texas.

#### Message from the Governor

The following message was received, and was read to the Senate and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
May 6, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Member of the State Board of Education for a six year term expiring January 1, 1949:

Gilbert M. Denman of San Antonio, Bexar County.

To be Rio Grande Compact Commissioner for a two year term expiring July 16, 1945:

J. E. Quaid of El Paso, El Paso County.

To be Members of the State Board of Public Accountancy for two year terms expiring January 17, 1945:

J. B. Allred of Wichita Falls, Wichita County;

Clifton H. Morris of Fort Worth, Tarrant County;

O. H. Maschek of Beaumont, Jefferson County;

J. A. Phillips of Houston, Harris County;

C. A. Freeze of San Angelo, Tom Green County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

#### Committee Substitute House Bill 247 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time:

C.S.H.B. No. 247, A bill to be entitled "An Act to amend and re-enact Section 5 of the Motor Fuel Tax Law, the same being Article XVII of Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, (to facilitate and speed shipments of motor fuel during the war emergency) provided the Comptroller may authorize the sale or distribution of motor fuel and certain other products, without collecting the tax, to bonded and licensed distributors when said products are purchased for the purpose of exportation or for further refining, processing, treating, or blending, and requiring the persons selling said products to keep records, make reports, and issue manifests of such sales and requiring the purchasing distributor to pay the tax on any subsequent taxable sale or use of said products; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Mauritz offered the following amendment to the bill:

Amend Senate Committee substitute for H. B. No. 247, by adding a new Section to be known as Section 4A which shall read as follows:

"Sec. 4A. That Chapter 184, Article XVII, Acts of the Regular Session of the Forty-seventh Legislature be and the same is hereby amended by adding a new Section to be known as Section 14A which shall read as follows:

"Sec. 14A (a). In addition to all other taxes levied herein there shall be and is hereby levied and imposed an excise tax of one (1c) cent per gallon or fractional part thereof, on all owners of motor vehicles operating as carriers under motor bus certificates, common carriers certificates, specialized motor carriers certificates, and contract carriers permits using motor fuel, liquified gases, and other liquid fuels, as those terms are defined herein, upon the use of such motor fuel, liquified gases and other liquid fuels by such owners within this State only when such motor fuel, liquified gases and other liquid fuels are used in internal com-

bustion engines for the generation of power to propel said motor fuels upon the public highways of this State. The said tax shall be computed, reported, and paid to the State of Texas through the Comptroller at the time and in the manner as the taxes levied upon liquified gases and other liquid fuels in Section 14, Article XVII, of Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature are required to be computed, reported and paid.

"(b) Said owners shall be subject to all the provisions and requirements contained in the said Section 14 affecting users of liquified gases and other liquid fuels and shall within thirty (30) days from and after the effective date of this Act furnish the bond, or bonds, and secure the permits as provided in the said Section 14.

"(c) Failure or refusal of said owners of motor vehicles operating under the certificates and permits names herein above to report and pay to the State of Texas the tax levied in this Section and to comply with all other provisions of the said Section 14, affecting a user of liquified gases and other liquid fuels shall subject said owners to all the liabilities, penalties, forfeitures, interest and costs provided in this Article.

"(d) The net revenue derived from the additional tax levied in this Section shall go to, and be placed to the credit of, the Available School Fund of Texas.

"(e) It is hereby declared to be the legislative intent and purpose of this Section to levy an additional tax of one (1c) cent on the class of carriers set out herein because of their frequent use of the highways and the heavy equipment used places them in a different class from the normal small motor vehicles operating upon the highways."

The amendment was lost by the following vote:

Yeas—4

|         |         |
|---------|---------|
| Aikin   | Cotten  |
| Chadick | Mauritz |

Nays—19

|          |           |
|----------|-----------|
| Brownlee | Hazlewood |
| Bullock  | Jones     |
| Graves   | Lane      |

|          |          |
|----------|----------|
| Lanning  | Shivers  |
| Lovelady | Stone    |
| Metcalfe | Vick     |
| Moffett  | Weinert  |
| Moore    | Winfield |
| Morris   | York     |
| Ramsey   |          |

Absent

|        |       |
|--------|-------|
| Beck   | Sulak |
| Martin |       |

Absent—Excused

|        |        |
|--------|--------|
| Fain   | Lemens |
| Formby | Spears |
| Kelley |        |

Senator Mauritz offered the following amendment to the bill:

Amend Committee substitute for H. B. No. 247 by striking out the word and figure "six" in Section 14(a), page 11, and inserting in lieu thereof the word and figure "eight."

On motion of Senator Aikin, the amendment was tabled.

Senator Mauritz offered the following amendment to the bill:

Amend Committee substitute for H. B. No. 247 by striking out the word and figure "six" in Section 14(a), page eleven, and inserting in lieu thereof the word and figure "seven."

On motion of Senator Aikin, the amendment was tabled.

Senator Mauritz offered the following amendment to the bill:

Amend Committee substitute for H. B. No. 247 by striking out the word and figure "six" in Section 14(a) and inserting in lieu thereof the words and figures "six and one-half."

On motion of Senator Aikin, the amendment was tabled.

The bill was passed to third reading.

**Committee Substitute House Bill 247  
on Third Reading**

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 247 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

|           |          |
|-----------|----------|
| Aikin     | Metcalf  |
| Brownlee  | Moffett  |
| Bullock   | Moore    |
| Chadick   | Morris   |
| Graves    | Ramsey   |
| Hazlewood | Shivers  |
| Jones     | Stone    |
| Lane      | Vick     |
| Lanning   | Weinert  |
| Lovelady  | Winfield |
| Martin    | York     |

Nays—2

|        |         |
|--------|---------|
| Cotten | Mauritz |
|--------|---------|

Absent

Sulak

Absent—Excused

|        |        |
|--------|--------|
| Beck   | Kelley |
| Fain   | Lemens |
| Formby | Spears |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

|           |          |
|-----------|----------|
| Aikin     | Metcalf  |
| Brownlee  | Moffett  |
| Bullock   | Moore    |
| Chadick   | Morris   |
| Graves    | Ramsey   |
| Hazlewood | Shivers  |
| Jones     | Stone    |
| Lane      | Vick     |
| Lanning   | Weinert  |
| Lovelady  | Winfield |
| Martin    | York     |

Nays—2

|        |         |
|--------|---------|
| Cotten | Mauritz |
|--------|---------|

Absent

Sulak

Absent—Excused

|        |        |
|--------|--------|
| Beck   | Kelley |
| Fain   | Lemens |
| Formby | Spears |

### Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 350, A bill to be entitled "An Act providing that judges of the county courts at law may act for the county judge of the county in any juvenile, lunacy, probate and condemnation proceeding or matter, and also may perform any and all other ministerial acts required by law of the county judge, during the absence, inability or failure of the county judge, for any reason to perform such duties; etc.; and declaring an emergency."

H. C. R. No. 132, Requesting the Governor to return H. B. No. 655 to the House of Representatives for further consideration.

H. C. R. No. 115, Authorizing the State Board of Control to purchase equipment to re-equip the woodworking shop of the Texas Technological College.

S. B. No. 87, A bill to be entitled "An Act amending Subsection 52, Article 199, Title 8 of the Revised Civil Statutes of Texas, 1925, providing for the reorganization of the 52nd Judicial District of the State of Texas and to provide that Bosque County shall be taken from the 18th Judicial District and transferred to the 52nd Judicial District of the State of Texas; changing the time and term of holding the 52nd Judicial District Court in Coryell, Hamilton, Comanche and Bosque Counties constituting the 52nd Judicial District of Texas, etc.; and declaring an emergency."

### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
May 6, 1943.

Hon. John Lee Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed:

S. B. No. 364, A bill to be entitled "An Act amending Subsection 50, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 83, Chapter 14, Acts of the Regular Session of the Forty-first Legislature; changing the time and term of holding the 50th Judicial Dis-

strict Court, etc.; and declaring an emergency."

(With amendments)

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### House Bill 497 on Second Reading

Senator Graves moved that the regular order of business be suspended to take up for consideration at this time:

H. B. No. 497, A bill to be entitled "An Act creating the Dallas County Flood Control District in Dallas County, Texas, and defining its powers; providing that the powers; etc.; and declaring an emergency."

The motion prevailed by the following vote:

#### Yeas—17

|           |          |
|-----------|----------|
| Brownlee  | Metcalfe |
| Chadick   | Moffett  |
| Cotten    | Moore    |
| Graves    | Ramsey   |
| Hazlewood | Shivers  |
| Jones     | Stone    |
| Lane      | Vick     |
| Lovelady  | York     |
| Mauritz   |          |

#### Nays—8

|         |          |
|---------|----------|
| Aikin   | Martin   |
| Beck    | Morris   |
| Bullock | Weinert  |
| Lanning | Winfield |

#### Absent

Sulak

#### Absent—Excused

|        |        |
|--------|--------|
| Fain   | Lemens |
| Formby | Spears |
| Kelley |        |

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Morris offered the following amendment to the bill:

Amend H. B. No. 497, page 17, by adding in the proper place a new Section to read as follows:

"Provided, however, that all monies received by the Dallas County Flood Control District from ad valorem taxes granted and donated by the State of Texas or from any other source shall be audited annually by the State Auditor."

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend H. B. No. 497, page 17, line 11, by striking out the words and figures "forty (4)" and inserting in lieu thereof the words and figures "twenty (20)."

Question—Shall the amendment be adopted?

#### Executive Session

At 11:00 o'clock a. m., the President announced the arrival of the hour for an executive session of the Senate and ordered the floor and the galleries cleared of all those not entitled to attend the executive session and directed all doors leading from the Chamber to be closed and guarded.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following appointments had been confirmed by the Senate:

To be Directors of the Guadalupe-Blanco River Authority for six year terms expiring February 1, 1949:

H. M. Davenport of Prairie Lea, Caldwell County;

Edgar Engelke of Seguin, Guadalupe County;

W. H. Smith of Victoria, Victoria County.

To be District Attorney of the Forty-ninth Judicial District:

S. Truman Phelps of Laredo, Webb County.

To be Members of the Board of Directors, Lower Colorado River Authority for six year terms to expire January 1, 1949:

Clay Kuykendall of San Saba, San Saba County (to succeed W. B. Arnold);

Orville Buttery of Llano, Llano County (to succeed John Payne.)

To be Directors of the Lower Concho Water and Soil Conservation District for six year terms expiring January 1, 1949:

Frank Meixner of Paint Rock, Concho County;

A. P. Freeman of Pasche, Concho County;

Carlos Jones of Millersview, Concho County.

To be Members of the Board of Directors, Central Colorado River Au-

thority for six year terms to expire January 1, 1949:

Arthur Young of Burkett, Coleman County;

George Pauley of Valera, Coleman County;

H. E. Evans of Talpa, Coleman County.

To be Members of the Board of Directors, Upper Guadalupe River Authority, terms to expire January 1, 1949:

Milton Pampell of Kerrville, Kerr County;

Tom Finlon of Hunt, Kerr County.

To be a Member of the Board of Directors, Upper Guadalupe River Authority, to fill the unexpired term of W. Gillespie Stacy, deceased, term to expire January 1, 1945:

S. Eastland of Kerrville, Kerr County.

To be a Member of the State Board of Pharmacy for a six year term to expire June 14, 1949:

Paul D. Carroll of Texarkana, Bowie County.

To be Members of the Board of Directors of the Brazos River Conservation and Reclamation District, for six year terms expiring January 31, 1949:

Walter R. Humphrey of Temple, Bell County;

Graham P. Stewart of Graham, Young County.

To be Members of the Board of Directors of the Nueces River Conservation and Reclamation District for six year terms expiring January 31, 1949:

J. M. Cavender of Uvalde, Uvalde County;

B. Wildenthal of Cotulla, LaSalle County;

F. M. Getzendaner of Uvalde, Uvalde County;

O. N. Stevens of Corpus Christi, Nueces County;

J. L. Corbin of Freer, Duval County;

Paul Ehlers of LaPryor, Zavala County;

Wm. Byrd, Jr., of Winter Haven, Dimmit County.

To be Members of the Board of Directors of the Pease River Flood

Control District for six year terms to expire October 21, 1947:

M. S. Henry of Crowell, Foard County;

R. H. Nichols of Vernon, Wilbarger County;

E. R. Brown of Electra, Wichita County.

To be Members of the Board of Directors of the Brazos River Conservation and Reclamation District for six year terms expiring February 1, 1947:

Franklin Fisher of Brenham, Washington County;

J. Earl Porter of Caldwell, Burleson County.

To be a Member of the Board of Directors of the Nueces River Conservation and Reclamation District, term to expire February 1, 1947:

Elmer Dittmar of San Antonio, Bexar County.

To be a Member of the Board of Directors of the Upper Guadalupe River Authority to fill the unexpired term of Dent Taylor, resigned, term to expire January 1, 1945:

Fred Junkin of Kerrville, Kerr County.

To be a Member of the Board of Directors, Pease River Flood Control District to fill the unexpired term of Harry Koch, deceased, term expiring October 21, 1945:

E. L. Grimes of Quanah, Hardeman County.

The President called the Senate to order as in legislative session at 1:28 o'clock p. m.

#### Senate Resolution 96

Senator Metcalfe, by unanimous consent, offered at this time the following resolution:

Whereas, Major R. C. Crawford, Director of Training of the San Angelo Army Air Forces Bombardier School and Lieutenant Walter A. Sussdorf, now of the same post, but who formerly served with much efficiency as an employee of the Texas House of Representatives and as Secretary to a Member of this body, are now at the bar of the Senate; and

Whereas, These officers in the Army of our country are rendering a distinguished service of which we are all proud and gratified; and

Whereas, The Senate is honored at having such prominent men within the city; now, therefore, be it

Resolved, That Major Crawford and Lieutenant Sussdorf be invited to address the Senate at this time and that they be given the privileges of the floor during their visit in the city.

The resolution was read; and on motion of Senator Metcalfe, and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Recess

On motion of Senator Sulak, the Senate, at 1:30 o'clock p. m., took recess to 3:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 3:00 o'clock p. m. and was called to order by the President.

#### Conference Committee on House Bill 9

Senator Hazlewood called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 9 and moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Aikin, Lane, Martin, Weinert and Moore.

#### Senate Resolution 97

Senator Morris, by unanimous consent, offered at this time the following resolution:

Whereas, Mrs. Mary Russell, of Terrell, Texas, is now visiting in the Capital City, and is now in the Capitol; and

Whereas, Mrs. Russell is a well known and much loved citizen of the City of Terrell, and the Senate is pleased to have as its guest; now, therefore, be it

Resolved by the Senate of Texas, That Mrs. Russell be welcomed to the Senate Chamber, and extended the privileges of the floor for today; and, be it further

Resolved, That a copy of this resolution be furnished Mrs. Russell by the Secretary of the Senate.

The resolution was read; and on motion of Senator Morris and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### House Bill 390 on Second Reading

On motion of Senator Beck, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 390, A bill to be entitled "An Act to amend H. B. No. 397, Chapter 444, page 719, Acts of the Forty-seventh Legislature, 1941; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 390 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 390 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

|           |          |
|-----------|----------|
| Aikin     | Mauritz  |
| Beck      | Metcalfe |
| Brownlee  | Moffett  |
| Bullock   | Morris   |
| Chadick   | Ramsey   |
| Graves    | Shivers  |
| Hazlewood | Stone    |
| Jones     | Sulak    |
| Lane      | Vick     |
| Lanning   | Weinert  |
| Lovelady  | Winfield |
| Martin    | York     |

Absent

|        |       |
|--------|-------|
| Cotten | Moore |
|--------|-------|

Absent—Excused

|        |        |
|--------|--------|
| Fain   | Lemens |
| Formby | Spears |
| Kelley |        |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Message from the Governor**

The following message was received and was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
May 6, 1943.

To the Senate of the Forty-Eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the State Board of Public Welfare for a six year term to expire January 20, 1949:

Hubert T. Johnson of Waco, McLennan County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

**House Bill 497 on Passage to Third Reading**

The Senate resumed consideration of pending business, same being H. B. No. 497, creating the Dallas County Flood Control District, on its passage to third reading, with amendment by Senator Morris pending.

Question—Shall the amendment be adopted?

Senator Graves moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

**Yeas—12**

|           |         |
|-----------|---------|
| Graves    | Ramsey  |
| Hazlewood | Shivers |
| Jones     | Stone   |
| Lovelady  | Sulak   |
| Mauritz   | Vick    |
| Moffett   | York    |

**Nays—10**

|          |          |
|----------|----------|
| Aikin    | Lanning  |
| Brownlee | Martin   |
| Bullock  | Morris   |
| Chadick  | Weinert  |
| Lane     | Winfield |

**Absent**

|          |       |
|----------|-------|
| Beck     | Moore |
| Metcalfe |       |

**Absent—Excused**

|        |        |
|--------|--------|
| Cotten | Kelley |
| Fain   | Lemens |
| Formby | Spears |

Senator Morris offered the following amendment to the bill:

Amend H. B. No. 497, page 14, by striking out all of sub-section (h).

The amendment was adopted.

Senator Lanning moved to table the bill subject to call.

The motion to table subject to call was lost by the following vote:

**Yeas—8**

|         |          |
|---------|----------|
| Aikin   | Martin   |
| Bullock | Morris   |
| Lane    | Weinert  |
| Lanning | Winfield |

**Nays—15**

|           |         |
|-----------|---------|
| Brownlee  | Moore   |
| Chadick   | Ramsey  |
| Graves    | Shivers |
| Hazlewood | Stone   |
| Jones     | Sulak   |
| Lovelady  | Vick    |
| Mauritz   | York    |
| Metcalfe  |         |

**Absent**

|      |         |
|------|---------|
| Beck | Moffett |
|------|---------|

**Absent—Excused**

|        |        |
|--------|--------|
| Cotten | Kelley |
| Fain   | Lemens |
| Formby | Spears |

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

**Yeas—13**

|           |         |
|-----------|---------|
| Brownlee  | Ramsey  |
| Chadick   | Shivers |
| Graves    | Stone   |
| Hazlewood | Sulak   |
| Jones     | Vick    |
| Lovelady  | York    |
| Moore     |         |

**Nays—8**

|         |          |
|---------|----------|
| Aikin   | Martin   |
| Bullock | Morris   |
| Lane    | Weinert  |
| Lanning | Winfield |

**Absent**

|          |         |
|----------|---------|
| Beck     | Moffett |
| Metcalfe |         |



## Absent—Excused

|        |        |
|--------|--------|
| Fain   | Lemens |
| Formby | Spears |
| Kelley |        |

## Paired

Senator Mauritz (present), who would vote "nay" with Senator Cotten (absent), who would vote "yea."

**Motion to Place H. B. 497 on Third Reading**

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 497 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—15

|           |         |
|-----------|---------|
| Brownlee  | Moore   |
| Chadick   | Ramsey  |
| Graves    | Shivers |
| Hazlewood | Stone   |
| Jones     | Sulak   |
| Lovelady  | Vick    |
| Mauritz   | York    |
| Metcalf   |         |

## Nays—8

|         |          |
|---------|----------|
| Aikin   | Martin   |
| Bullock | Morris   |
| Lane    | Weinert  |
| Lanning | Winfield |

## Absent

|      |         |
|------|---------|
| Beck | Moffett |
|------|---------|

## Absent—Excused

|        |        |
|--------|--------|
| Cotten | Kelley |
| Fain   | Lemens |
| Formby | Spears |

**Senate Bill 364 with House Amendments**

Senator Moffett called S. B. No. 364 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

The Senate concurred in the House amendments by the following vote:

## Yeas—25

|       |          |
|-------|----------|
| Aikin | Brownlee |
| Beck  | Bullock  |

|           |          |
|-----------|----------|
| Cotten    | Moore    |
| Graves    | Morris   |
| Hazlewood | Ramsey   |
| Jones     | Shivers  |
| Lane      | Stone    |
| Lanning   | Sulak    |
| Lovelady  | Vick     |
| Martin    | Weinert  |
| Mauritz   | Winfield |
| Metcalf   | York     |
| Moffett   |          |

## Absent—Excused

|         |        |
|---------|--------|
| Chadick | Kelley |
| Fain    | Lemens |
| Formby  | Spears |

**Message from the Governor**

The following message was received and was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
May 6, 1943.

To the Senate of the Forty-eighth Legislature:

House Bill No. 352 was passed with a sufficient number of votes in each House to make it effective on May 4th, 1943.

This Bill provides for The State Commission for the Blind to be composed of six members and that the present members of the State Commission for the Blind who have previously been appointed by the Governor and confirmed by the Senate shall continue to hold office for the terms to which they have been appointed. The present members of the Board are W. H. Earl of Waco, whose term expires January 1st, 1945; Bruner Penniman of Dallas, whose term expires January 1st, 1947; and B. F. Payne of Carthage, whose term expires January 1st, 1949.

House Bill No. 352 requires two members of the Commission to be graduates of the Texas School for the Blind. One of such graduates is already on the Commission, being W. H. Earl of Waco. This requirement is completed by the nomination hereinafter made of Miss Rebecca Chapin of Plainview, who is a graduate of the Texas School for the Blind.

House Bill No. 352 requires the Governor to name the Chairman of the Commission. and I am naming Bruner Penniman of Dallas to that position. To complete the Commission, I am naming the following:

Walter Buckner of San Marcos for the two year term to expire January 1st, 1945;

Miss Rebecca Chapin of Plainview for the term expiring January 1st, 1947;

Mrs. Norma Hancock of San Antonio for the term expiring January 1st, 1949.

I respectfully ask the advice, consent and confirmation of the Senate to these appointments.

Yours sincerely,

COKE R. STEVENSON,  
Governor of Texas.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
May 6, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 735, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BECK, Chairman.

Austin, Texas,  
May 6, 1943.

Governor John Lee Smith, President of the Senate.

Sir: We, your Committee on Military Affairs to whom was referred H. C. R. No. 104, have had same under consideration, and wish to report it back to the Senate with the recommendation that the resolution do not pass but that the Substitute hereto attached do pass and be not printed.

METCALFE, Chairman.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
May 6, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 245, A bill to be entitled "An Act to suspend Article 7045 and Article 2354 of the Revised Civil

Statutes of Texas, 1925, until the cessation of hostilities of the present war; etc.; and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 726 by a vote of 135 yeas and 0 noes.

The House has concurred in Senate amendments to H. B. No. 20 by a vote of 70 yeas and 58 noes.

The House has adopted the Conference Committee report on S. B. No. 143 by a viva voce vote.

The House has granted the request of the Senate for the appointment of a Conference Committee on S. B. No. 230, and appointed the following conferees:

Hutchins, Lehman, Manford, Lansberry and Flewellen.

S. C. R. No. 16, Authorizing survivors of John S. Bagwell and wife to sue the State.

(With amendment.)

S. C. R. No. 51, Granting permission to Mr. M. E. Thomason to sue the State.

S. B. No. 46, A bill to be entitled "An Act amending Article 3193i, Title 51, Chapter 2 of the Revised Civil Statutes of 1925 so as to define the term 'additional leave' as used in said Article, allowing the Superintendents of State Hospitals to give additional leave to patients after a twelve month temporary absence; etc.; and declaring an emergency."

S. B. No. 75, A bill to be entitled "An Act repealing S. B. No. 123, Acts of the Forty-sixth Legislature, Regular Session and Chapter 100, Acts of the Forty-third Legislature, First Called Session as to certain lands; etc.; and declaring an emergency."

S. B. No. 82, A bill to be entitled "An Act providing for the addition of a new Article to be numbered 2960a, immediately following Article 2960 of the Revised Civil Statutes of the State of Texas of the Year 1925 Codification, under Chapter 5 of Title 50 thereof, entitled Elections, which shall exempt all nurses and members of the armed forces of the United States of America who have served or are now serving or who may, after the passage of this Act, serve as a member of such armed forces during what is commonly known as World War Number Two, being the war now being prosecuted by the

United States of America against what are commonly known as the Axis Powers, and which was entered into by the United States of America on or shortly after December 7, 1941."

S. B. No. 146, A bill to be entitled "An Act to amend Section 3, Acts 1931, Forty-second Legislature, page 783, Chapter 314, providing for the annual payment from the income of any utility operated by any city or town, including Home Rule Cities, of moneys in lieu of school taxes to any school district situated in any such city or town; etc.; and declaring an emergency."

S. B. No. 156, A bill to be entitled "An Act to amend Subsection (14) of Section 2 of S. B. No. 423, Acts of the Forty-seventh Legislature; etc.; and declaring an emergency."

S. B. No. 201, A bill to be entitled "An Act to amend Section 1 of H. B. No. 8, Chapter VIII, General Laws of the Twenty-eighth Legislature, as heretofore amended, (the same being an Act granting aid to the City of Galveston to enable it to protect itself against calamitous overflows) so as to grant to the City of Galveston taxes due and payable prior to September 1, 1943 and collected prior to September 1, 1948; etc.; and declaring an emergency."

S. B. No. 204, A bill to be entitled "An Act creating a special and more efficient road system for Leon County, in the State of Texas, and making the County Commissioners ex-officio Road Commissioners and prescribing their powers and duties as such; etc.; and declaring an emergency."

S. B. No. 216, A bill to be entitled "An Act to appropriate funds out of the General Revenue of the State of Texas to pay for the costs of giving college entrance examinations by the State Superintendent of Public Instruction for the remaining biennium of 1942-43 and for regular biennium of 1943-45; etc.; and declaring an emergency."

S. B. No. 225, A bill to be entitled "An Act to amend the subject matter embraced in Section 14 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, providing for interest and penalties on past due contributions, and providing for a limit on such penalties; etc.; and declaring an emergency."

S. B. No. 253, A bill to be entitled "An Act authorizing the commissioners courts in counties where any Army or Navy Base, Camp, Station or Yard is located, to create a Military Zone adjacent to such Camp, Base, Station or Yard; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 266, A bill to be entitled "An Act directing all agencies of the State Government to submit requests for rental space to the State Board of Control, directing said Board to advertise for bids on said space, at least one time in a newspaper of regular publication in the county where such rental space is sought, excepting from the provisions of this Act rental space that costs less than \$100.00 per annum requiring that all such contracts be renewed at least every two years; etc.; and declaring an emergency."

S. B. No. 279, A bill to be entitled "An Act making specific appropriation out of the State Highway Fund in the State Treasury, not otherwise appropriated, to pay a judgment obtained by Mrs. J. W. Taylor, a widow, against the State of Texas, under the authority of H. C. R. No. 39, passed by the Legislature in March, 1937, which authorized her to sue the State of Texas for the recovery of damages resulting from the overflow of her land, arising out of the construction of the highway loop around the City of Waco, McLennan County; directing the Comptroller of the State of Texas to issue warrant on the State Treasury in favor of Mrs. J. W. Taylor in the sum of \$1,500.00, and in favor of the Clerk of the Court of Civil Appeals at Waco, Texas, in the sum of \$274.80, and in favor of R. V. McClain, Clerk of the District Court of McLennan County in the sum of \$307.85 court costs; etc.; and declaring an emergency."

S. B. No. 297, A bill to be entitled "An Act amending Section 1 of Article 4932 of the Revised Civil Statutes of Texas, 1925; etc.; and declaring an emergency."

S. B. No. 315, A bill to be entitled "An Act making an appropriation of Fifteen Thousand (\$15,000.00) Dollars to the State Treasurer of Texas for the purpose of buying the unused note stamps; etc.; and declaring an emergency."

S. B. No. 325, A bill to be entitled "An Act applying to that portion of the State of Texas inundated by a dam on the Red River near Denison, Texas, and including lands purchased by the Federal government for the operation of a reservoir on the Red River; etc.; and declaring an emergency."

S. B. No. 328, A bill to be entitled "An Act providing that the original field notes of all the land in Crockett County, Texas, now stored in the basement of the Court House in San Antonio, Texas, be removed to Crockett County; declaring legislative intent; etc.; and declaring an emergency."

S. B. No. 329, A bill to be entitled "An Act to provide for the cost of transferring property of units of the Texas National Guard from the armories where now stored to storage at Camp Mabry, Austin, Texas, by making available for the purpose money already appropriated to the Texas National Guard Armory Board under item 7 of the appropriation to such board set out in Chapter 571 on page 1205 of General and Special Laws of the Forty-seventh Legislature of Texas; etc.; and declaring an emergency."

S. B. No. 340, A bill to be entitled "An Act to amend the subject matter embraced in Section 7, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended, providing for determining the amount of contributions payable by employers and defining certain terms, and repealing Section 8-A with reference to seasonal employment as embodied in S. B. No. 21, Chapter 2, General Laws of the Forty-sixth Legislature, Regular Session of 1939 and repealing Section 8-A, Chapter 467, H. B. No. 875, Regular Session of the Forty-seventh Legislature, and providing for the effective date of the Act and for the repeal of all laws and parts of laws in conflict herewith; etc.; and declaring an emergency."  
(With amendment.)

S. B. No. 349, A bill to be entitled "An Act to enlarge the jurisdiction of the County Court of Morris County, Texas, in criminal cases to enable the County Judge of Morris County, Texas, to accept pleas of guilty in all cases of misdemeanor; etc.; and declaring an emergency."

S. B. No. 352, A bill to be entitled "An Act to provide in all counties having five thousand (5,000) or more cattle, sheep, and goats rendered for taxation for the employment of certain law enforcement officers; etc.; and declaring an emergency."

S. B. No. 357, A bill to be entitled "An Act permitting insurance carriers organized and licensed under the laws of the Republic of Mexico, or any State thereof, to underwrite in the State of Texas automobile coverage, accident and other insurance risks upon persons and personal property while in the Republic of Mexico, prescribing the conditions to be complied with to enjoy such privileges; etc.; and declaring an emergency."

S. B. No. 358, A bill to be entitled "An Act to be known as Article 6203aa, authorizing the Board for Lease of Texas Prison Lands to grant permits for geological surveys or investigations on Prison Lands, providing the means and manner thereof; and declaring an emergency."

S. B. No. 360, A bill to be entitled "An Act to amend Section 2 of Chapter 130, Acts, 1941, Forty-seventh Legislature, page 181, concerning Water Control and Improvement Districts located wholly in counties having a population in excess of five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census, and amending Section 10 of Chapter 129, Acts, 1941, Forty-seventh Legislature, page 177, concerning Fresh Water Supply Districts located wholly in counties having a population in excess of five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census, by suspending until the cessation of hostilities of the present war the requirements therein contained that Articles 1667 through 1673, Revised Civil Statutes of Texas, 1925, as amended, apply to the accounting of such districts and the record of purchases thereof, and reenacting said statutes without said provisions; etc.; and declaring an emergency."

S. B. No. 361, A bill to be entitled "An Act to amend Article 4296, Revised Civil Statutes of 1925; etc.; and declaring an emergency."

S. B. No. 362, A bill to be entitled "An Act to validate the organization and creation of all school districts,

including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by County Boards of Trustees; etc.; and declaring an emergency."

S. B. No. 363, A bill to be entitled "An Act relating to the salaries of all State officers except the salaries and other compensation of district judges and except those Constitutional State officers whose salaries are specifically fixed by the Constitution; etc.; and declaring an emergency."

S. B. No. 366, A bill to be entitled "An Act making an emergency appropriation not to exceed Sixty Thousand (\$60,000.00) Dollars to the John Sealy Hospital (a unit of the Medical Branch of the University of Texas) for the general operation thereof, including maintenance, support and salaries of employees for the remainder of the present fiscal year ending August 31, 1943, out of any unexpended balances remaining in any funds or monies appropriated to the Medical Branch of the University of Texas for the present fiscal year beginning September 1, 1942, and ending August 31, 1943, by the General Appropriation bill for educational institutions of higher learning, being Chapter 568, Acts, Regular Session, Forty-seventh Legislature, and authorizing the transfer of said funds, or so much thereof as may be necessary; and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 164 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 439 by a vote of 103 yeas, 9 noes, and 4 present and not voting.

The vote by which the House refused to concur in Senate amend-

ments to H. B. No. 159, has been reconsidered.

The House has concurred in Senate amendments to H. B. No. 159 by a vote of 133 yeas, 1 nay.

The vote by which the House refused to concur in Senate amendments to H. B. No. 483, has been reconsidered.

The House has concurred in Senate amendments to H. B. No. 483 by a viva voce vote.

The House has adopted the Conference Committee report on S. B. No. 159 by a vote of 132 yeas, 0 noes.

H. B. No. 422, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor prior to January 1, 1943, and for which no appropriations have heretofore been made; etc.; and declaring an emergency."

H. B. No. 741, A bill to be entitled "An Act to amend Section (b) of Section 3 of Article 9521-11, the same being Chapter 322, Acts of the Forty-seventh Legislature, page 525; etc.; and declaring an emergency."

H. C. R. No. 128, Granting permission to sue the State.

H. C. R. No. 129, Granting permission to sue the State.

H. C. R. No. 130, Recognizing and paying tribute to Mrs. Ethel Wilson Harris for her unselfish interest in the revival and perpetuation of Mexican arts and crafts.

H. C. R. No. 131, Granting permission to sue the State.

H. C. R. No. 133, Granting permission to sue the State.

H. C. R. No. 134, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 108.

H. C. R. No. 135, Granting permission to sue the State Highway Department.

H. C. R. No. 136, Granting permission to sue the State.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Senate Concurrent Resolution 55**

Senator Brownlee, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 55, Creating a special joint legislative committee.

Whereas, The United States of America is now engaged in a global war, in which the welfare, happiness and freedom of all her people are in jeopardy, and they are vitally concerned in the results of the conflict and the conduct of the affairs of the nation, both during the war and during the negotiation of the peace terms; and

Whereas, The United States government is a democracy which was designated to be a government of laws and not a government of men, the States and the people thereof having reserved the right to govern themselves and to have control of their own affairs in all matters except where they have delegated authority to officials elected by them; and

Whereas, The United States, as well as the states thereof, cover wide areas in which conditions vary greatly, and it is impossible to form any one set of rules or regulations that will fit the many different conditions which exist even in different localities of the several states, much less the far greater dissimilarity existing between various parts of the whole nation; and

Whereas, The Federal Government has deemed it necessary to create a multitude of Bureaus and Boards, and to delegate to them powers to make rules and regulations which purport to have the effect of laws, although they have not been passed by Congress; to decide finally the legality of their own official acts, although neither said rules and regulations nor said acts have been declared legal by the courts; and which Bureaus and Boards may not have sufficient knowledge or experience relating to the subjects acted upon by them; and

Whereas, Whole groups of industry and business may be destroyed by some theoretical and wholly impractical order issued by some subordinate, politically appointed clerk, who is not responsible to the people; and

Whereas, It is virtually impossible for the people to be heard in such matters and the right of petition is hereby destroyed; and it is the purpose of the Legislature of Texas to cooperate with the government in every way possible to win the war, and believing that this can better be done by a hearing being given to the people affected by such orders and rules, who have the best knowledge of the practical effect of the same from a standpoint of common sense and experience, and in order to provide a means of assisting in the war effort by putting before said bureaus and boards facts which should be known and considered by them in arriving at their conclusions; and

Whereas, Press reports indicate that post war plans are already being made and perhaps world-wide reciprocal trade agreements are being negotiated in foods and agricultural raw materials, such as wool, cotton, wheat, industrial fibers, petroleum and other commodities, a large part of which are produced in Texas and other Southern and Western States; that such purported plans include a huge over-all world authority to govern and regulate through a vast bureaucracy all farm labor, ownership, management, prices, marketing, processing, storage, transport, and all other details and phases of agriculture which are of vital interest to all the people engaged in and dealing with agriculture and its products; that said press reports indicate that these plans are contemplated by the United Nations Economic Council in which our government may be participating, all of which, if true, is being done without participation by those most vitally interested, to wit: those engaged in agriculture; and

Whereas, It is our conception of good government that any such drastic change in our economy should only be made with the consent of those to be governed and regimented, and it is necessary that some agency be alert and point out the dangers of such secret processes, where binding international agreements may be completed without the knowledge of those most concerned until their liberties and free enterprise system have been secretly bartered away, to their irreparable damage and destruction; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That there is hereby created a committee, to be composed of the Lieutenant-Governor, the Speaker of the House of Representatives, four Members of the Senate, to be appointed by the Lieutenant-Governor, and four Members of the House of Representatives, to be appointed by the Speaker. That said committee shall be presided over by the Lieutenant-Governor and in his absence, by the Speaker of the House as Vice Chairman. That said committee shall make rules regulating its own procedure and shall remain in existence until the convening of the Forty-ninth Legislature. That it shall be the duty of said committee to investigate any matter referred to it by the President of the United States relating to any order, rule or regulation promulgated or which is being considered by any Board, Bureau, or official of the Federal Government, and furnish its findings of fact and recommendations when so requested; and to cooperate in the war effort and assist in any other proper advisory capacity with the President about any subject whenever it is deemed proper by the committee to do so. That the committee shall cooperate with any committee of similar nature that may be appointed by other States. The members of the committee shall receive no pay for their services, but shall be entitled to their actual expenses to and from and while actually attending the meetings of said committee, and the Comptroller is hereby directed to set aside Twenty-five Hundred (\$2,500.00) Dollars for the actual and necessary expenses of said members in attendance on meetings called by the Chairman or Vice Chairman of the committee. Warrants shall be issued by the Comptroller upon authorization by the Chairman of said Committee, and the Chairman of the Contingent Expense Committee of the Senate.

The resolution was read.

By unanimous consent, consideration of the resolution was postponed until tomorrow.

#### Bills and Resolution Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

H. B. No. 248, A bill to be entitled "An Act providing for the dissolution of water control and improvement districts whose directors adopt the provisions hereof; etc.; and declaring an emergency."

H. B. No. 520, A bill to be entitled "An Act to amend Section 4 of Article 7150, Chapter 6, Title 122, of the Revised Civil Statutes of 1925, by adding Section 4A providing that any political subdivision created by the Legislature under Article 16, Section 59, of the Constitution, which engages in the business of generating, manufacturing, selling, or distributing electricity, shall assess and pay taxes on all of its real and personal property the same as if owned by a private person; etc.; and declaring an emergency."

H. B. No. 393, A bill to be entitled "An Act amending Chapter I of Title 50, of the Revised Civil Statutes of the State of Texas by adding Article 2929a; etc.; and declaring an emergency."

H. B. No. 5, A bill to be entitled "An Act making certain emergency appropriations for the Adjutant General's Department incident to the support and use in emergencies of the Texas Defense Guard and other Military Forces of Texas, repealing Items 62 and 63 of the appropriations to that Department made by the Forty-seventh Legislature in S. B. No. 423; and declaring an emergency."

H. C. R. No. 105, Creating the public policy of the State concerning the Caucasian Race.

S. B. No. 364, A bill to be entitled "An Act amending Subsection 50, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 83, Chapter 14, Acts of the Regular Session of the Forty-first Legislature; changing the time and term of holding the 50th Judicial District Court in Baylor, Knox, King, and Cottle Counties, constituting the 50th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and districts as herein fixed; validating the summoning of grand and petit juries under this Act; and declaring an emergency."

(Senator Morris in the Chair.)

**House Bills on First Reading**

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 422, to Committee on Finance.

H. B. No. 741, to Committee on Game and Fish.

**Reference of Resolutions**

The following resolutions were laid before the Senate, read severally, and referred to the committee indicated:

H. C. R. No. 128, to Committee on State Affairs.

H. C. R. No. 129, to Committee on State Affairs.

H. C. R. No. 131, to Committee on Finance.

H. C. R. No. 133, to Committee on State Affairs.

H. C. R. No. 136, to Committee on State Affairs.

H. C. R. No. 135, to Committee on State Affairs.

**House Bill 136 on Final Passage**

Senator Lovelady called H. B. No. 136 from the table, on its final passage (the bill having been read third time and tabled subject to call on yesterday).

The Presiding Officer laid the bill before the Senate on its final passage.

Senator Brownlee offered the following amendment to the bill:

Amend H. B. No. 136 by striking out all of lines 37, 38 and 39 and inserting in lieu thereof the following: "All textbooks on physiology and hygiene purchased in the future for use in the public schools of this state shall include at least one chapter on the effects of alcohol and narcotics but this shall not be construed as a requirement that duly adopted text books in use at the present time be discarded until full use of said books is had as in ordinary cases."

The amendment was adopted.

The bill was passed.

**Record of Votes**

Senators Vick, Sulak and Martin asked to be recorded as voting "nay" on the passage of the bill.

**Senate Bill 367 on First Reading**

Senator Lanning moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

|           |          |
|-----------|----------|
| Aikin     | Metcalf  |
| Beck      | Moffett  |
| Brownlee  | Moore    |
| Bullock   | Morris   |
| Chadick   | Ramsey   |
| Graves    | Shivers  |
| Hazlewood | Stone    |
| Jones     | Sulak    |
| Lane      | Vick     |
| Lanning   | Weinert  |
| Lovelady  | Winfield |
| Martin    | York     |
| Mauritz   |          |

**Absent—Excused**

|        |        |
|--------|--------|
| Cotten | Kelley |
| Fain   | Lemens |
| Formby | Spears |

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Lanning:

S. B. No. 367, A bill to be entitled "An Act making an appropriation out of the General Revenue Fund of the State of Texas for the Secretary of State, for the purpose of compiling, editing, indexing, binding and distributing the current laws; making the same immediately available; providing for work to be done by the Secretary of State or by contract with any person, firm, or company engaged in the publishing business; prescribing the manner of indexing, compiling and publishing such laws; suspending all laws in conflict; and declaring an emergency."

To Committee on Finance.

**Senate Bill 253 with House Amendments**

Senator Lovelady called S. B. No. 253 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the



Senate, and the House amendments were read.

The Senate concurred in the House amendments by the following vote:

**Yeas—22**

|           |          |
|-----------|----------|
| Beck      | Moffett  |
| Brownlee  | Moore    |
| Bullock   | Morris   |
| Chadick   | Ramsey   |
| Graves    | Shivers  |
| Hazlewood | Stone    |
| Jones     | Sulak    |
| Lanning   | Vick     |
| Lovelady  | Weinert  |
| Martin    | Winfield |
| Mauritz   | York     |

**Nays—2**

|       |      |
|-------|------|
| Aikin | Lane |
|-------|------|

**Absent**

Metcalfe

**Absent—Excused**

|        |        |
|--------|--------|
| Cotten | Kelley |
| Fain   | Lemens |
| Formby | Spears |

**House Bills Tabled Subject to Call**

On motion of Senator Moffett, H. B. No. 178 was tabled subject to call.

On motion of Senator Winfield, H. B. No. 477 was tabled subject to call.

**House Concurrent Resolution 134**

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 134, Authorizing correction of H. B. No. 108.

The Presiding Officer laid the resolution before the Senate, and it was read and was adopted.

**House Bill 641 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 641, A bill to be entitled "An Act to amend Article 709, Revised Civil Statutes, 1925, as amended by H. B. No. 381, Regular Session of the Forty-second Legislature, by adding thereto (1) a provision declaring the invalidity of the lien provided for by such law as against mortgages, pledges, purchasers and

creditors acquiring liens against the property of such corporation prior to the filing of notice, (2) a provision authorizing the Secretary of State to file notices of such liens and defining the effect thereof, (3) a provision declaring the intent of Article 7089 as amended, recognizing the rights of innocent third parties and prohibiting the enforcement of such liens as against property the title to which is divested out of the corporation prior to the passage of this Act, and (4) a provision to the effect that no suit shall be brought for the enforcement of liens securing said franchise taxes, penalties and interest unless instituted within ten (10) years from and after the time such corporation shall have forfeited or shall forfeit its right to do business in this State; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 641 on Third Reading**

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 641 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

|           |          |
|-----------|----------|
| Aikin     | Metcalfe |
| Beck      | Moffett  |
| Brownlee  | Moore    |
| Bullock   | Morris   |
| Chadick   | Ramsey   |
| Graves    | Shivers  |
| Hazlewood | Stone    |
| Jones     | Sulak    |
| Lane      | Vick     |
| Lanning   | Weinert  |
| Lovelady  | Winfield |
| Martin    | York     |
| Mauritz   |          |

**Absent—Excused**

|        |        |
|--------|--------|
| Cotten | Kelley |
| Fain   | Lemens |
| Formby | Spears |

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

(President pro tempore in the Chair.)

The bill was read third time and was passed.

**House Bill 310 Re-referred**

On motion of Senator Shivers, H. B. No. 310 was re-referred from Committee on Oil, Gas and Conservation to Committee on State Affairs.

**House Bill 46 on Second Reading**

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 46, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before January 1, 1943, due to the State, any county, common school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State, and providing further that this Act releasing penalties and interest shall not apply to cities, towns, and villages, and special school districts, and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred and that an extension of time for the payment of said ad valorem and poll taxes will accelerate the payment thereof, and such governing body has adopted a resolution or ordinance evidencing such finding, and upon the recording of such findings of fact shall have the authority to put in force and effect the provisions hereof as to any such city, town or village; etc.; and declaring an emergency."

The bill was read second time.

Senator Winfield offered the following amendment to the bill:

Amend H. B. No. 46, page 1, line 37, and page 2, line 4, by striking "December 15, 1943" and inserting in each of these places in lieu thereof the following: "December, 1, 1943."

The amendment was adopted.

Senator Ramsey offered the following amendment to the bill:

Amend H. B. No. 46, page 2, lines 4 to 16, by striking the sentence contained therein.

The amendment was lost by the following vote:

**Yeas—11**

|           |         |
|-----------|---------|
| Aikin     | Metcalf |
| Brownlee  | Ramsey  |
| Bullock   | Stone   |
| Chadick   | Vick    |
| Graves    | York    |
| Hazlewood |         |

**Nays—11**

|          |          |
|----------|----------|
| Beck     | Mauritz  |
| Jones    | Moore    |
| Lane     | Sulak    |
| Lanning  | Weinert  |
| Lovelady | Winfield |
| Martin   |          |

**Absent**

|         |         |
|---------|---------|
| Moffett | Shivers |
| Morris  |         |

**Absent—Excused**

|        |        |
|--------|--------|
| Cotten | Kelley |
| Fain   | Lemens |
| Formby | Spears |

Senator Lanning offered the following amendment to the bill:

Amend H. B. No. 46 by striking out "and interest" in said bill.

(President in the Chair.)

The amendment was adopted.

Question—Shall the bill be passed to third reading?

**Bill Tabled Subject to Call**

On motion of Senator Hazlewood, H. B. No. 657 was tabled subject to call.

**House Concurrent Resolution 131 Re-referred**

On motion of Senator Moore, H. C. R. No. 131 was re-referred from the Committee on Finance to the Committee on State Affairs.

**Adjournment**

Senator Shivers moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

**Yeas—14**

|         |          |
|---------|----------|
| Beck    | Lovelady |
| Graves  | Mauritz  |
| Lanning | Metcalf  |

Moffett  
Moore  
Morris  
Ramsey

Shivers  
Vick  
Weinert  
York

### Nays—10

|           |          |
|-----------|----------|
| Aikin     | Jones    |
| Brownlee  | Lane     |
| Bullock   | Stone    |
| Chadick   | Sulak    |
| Hazlewood | Winfield |

### Absent

Martin

### Absent—Excused

|        |        |
|--------|--------|
| Cotten | Kelley |
| Fain   | Lemens |
| Formby | Spears |

The Senate, accordingly, at 5:20 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## SIXTY-FIFTH DAY

(Friday, May 7, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Senator Aikin.

The roll was called, and the following Senators were present:

|           |          |
|-----------|----------|
| Aikin     | Mauritz  |
| Beck      | Metcalfe |
| Brownlee  | Moffett  |
| Bullock   | Moore    |
| Chadick   | Morris   |
| Cotten    | Ramsey   |
| Graves    | Shivers  |
| Hazlewood | Stone    |
| Jones     | Sulak    |
| Lane      | Vick     |
| Lanning   | Weinert  |
| Lovelady  | Winfield |
| Martin    | York     |

(President in the Chair.)

A quorum was announced present. Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Reports of Standing Committees

Senator Moffett submitted the following reports:

Austin, Texas,  
May 7, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 712, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 7, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 310, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 7, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 131, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 7, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 25, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 7, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B.